IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6698 OF 2005
IN
CRI.APPEAL NO.955 OF 2005

1. Anil Suresh Agawane
2. Anis Gayasuddin Khan ..Applicants
Vs.
State of Maharashtra ..Respondents

...
Mr.A.P.Munderagi with P.P.Runwal
Advocate for Applicants
Mr.B.H.Mehta A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 27, 2005

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking bail. The applicants have been convicted under Section 307 r.w. 34 of IPC and sentenced to R.I. for four years. It is contended on behalf of the applicants that the applicants were on bail during the trial and they have not misused the liberty granted to them. This statement is not controverted on behalf of the prosecution. It is an admitted fact that besides the present case, the applicants are not

involved in any other case.

3. The accused persons were not known to the witnesses, hence, identification parade was held. In respect of the identification parade, the learned Sessions Judge has observed that there is some doubt about the evidence in respect of conducting the identification parade so also the learned Judge has observed that there are number of deficiencies while conducting the identification parade. In this view of the matter, I am inclined to grant bail to the applicants.

4. Each of the applicants i.e. applicant no.1-Anil Suresh Agawane and applicant no.2-Anis Gayasuddin Khan to be released on bail in the sum of Rs.25,000/- each with one or two sureties to make up that amount. During the pendency of the appeal, the applicants shall report on second and fourth Sundays of every month to Santacruz Police Station.

5. Application is disposed of.

[V.K.TAHILRAMANI,J.]